



09 MAY 2006

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Quine Intellectual Property Law Group, P.C.  
P.O. Box 458  
Alameda, CA 94501

In re application of	:	
Gill	:	
U.S. Application No.: 10/530,091	:	DECISION ON PETITION
Filing Date: 31 March 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 314-300810US	:	
For: AUTOMATED METHOD FOR HIGH	:	
THROUGHPUT SCREENING OF	:	
NEMATODES	:	
	:	

This decision is in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.37(b)" filed 13 March 2006 in the United States Patent and Trademark Office (USPTO).

### BACKGROUND

On 09 October 2003, applicants filed international application PCT/US03/32066 which claimed priority of an earlier application filed 09 October 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 9 April 2005.

On 31 March 2005, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); and a copy of the international application.

On 13 June 2005, a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) was sent indicating that oath or declaration did not comply with 37 CFR 1.497(a) and (b) in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68 and that a \$65 surcharge was due for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)).

On 30 January 2006, a Notification of Abandonment was sent due to applicant's failure to respond to the Notification of Missing Requirements Under 35

U.S.C. 371 (Form PCT/DO/EO/905).

On 13 March 2006 the present petition was filed to revive pursuant to 37 CFR 1.137(b).

### DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the submission of the declaration and the \$65 surcharge satisfies the response requirement.

As to Item (2), the appropriate petition fee of \$750.00 as required by 37 CFR 1.17(m).

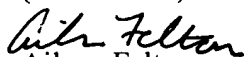
With regard to Item (3), applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

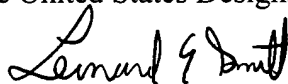
### CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.



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